

1 MS. LEE: Okay.

2 THE COURT: Okay. If I'm a little bit late on finishing  
3 up my calendar, please, just be a little patient with me. But  
4 I'm pretty certain we can start in the morning.

5 So with that said, next witness.

6 MR. RICHARDS: Thank you. Plaintiff calls Bob Gaudet.  
7 Your Honor, how does he get up there, to the right?

8 MS. LEE: Oh, I'm sorry.

9 THE COURT: Okay. Number one, officer.

10 THE MARSHAL: Yes, ma'am.

11 THE COURT: We need to --

12 Mr. Gaudet, if you would just stand right by the  
13 podium and face the court clerk.

14 THE CLERK: Raise your right hand, please.

15 ROBERT GAUDET, PLAINTIFF'S WITNESS, SWORN

16 THE CLERK: Sir, please state your first and last name.  
17 Spell them both for the record.

18 THE WITNESS: Robert Gaudet. Did you say spell them?

19 THE CLERK: Yes, please.

20 THE COURT: Yes.

21 THE WITNESS: Robert, R-O-B-E-R-T. Gaudet is G-A-U-D-E-  
22 T.

23 DIRECT EXAMINATION

24 BY MR. RICHARDS:

25 Q Thank you. Thank you for flying in here today,

1 THE COURT: Okay. Is it the same?

2 MS. LEE: A-83. Yeah, the same binder.

3 THE COURT: Okay. And it's --

4 MS. LEE: I'm sorry, no. A-83, I'm not sure which binder  
5 that particular exhibit is in.

6 THE COURT: A-83 is in this binder.

7 MS. LEE: Oh, it is. Okay.

8 THE COURT: Okay.

9 MS. LEE: That's the.

10 THE COURT: There you go.

11 THE WITNESS: Uh-huh.

12 MS. LEE: I'm sorry, Your Honor. It's A-89, volume  
13 seven. I was -- I confused myself.

14 THE COURT: Why don't you go ahead and give that back to  
15 me? Thanks.

16 BY MS. LEE:

Jowdy's attorney

2004 Hawaii loan  
agreement

17 Q If you could turn to Exhibit A-89. Are you there?

18 A I am here, yes.

19 Q Can you turn to the second page of that exhibit,  
20 please?

21 A Yes.

22 Q Is that your signature there as witness?

23 A Yes, it is.

24 Q Do you recall signing this?

25 A I do.

Jowdy's attorney authenticated the 2004 loan agreement as his primary defense exhibit less than one year after calling the document a

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FORGERY in the AZ case in order to get the case -- ultimately -- into dismissal (after a delayed, expedited discovery claim for authenticity).

CLEARLY Jowdy's attorney threats in AZ and "NO LOANS" defense was a fraud on the AZ court, Kenner and the Kenner investors.

1 Q Can you look at the first pages of that document?

2 A Yes.

3 Q And can you tell the Court what date this document  
4 was entered into?

5 A 12/7/2004.

6 MS. LEE: Your Honor, I'd like to move to admit this  
7 exhibit. He's authenticated his signature on it.

8 MR. RICHARDS: No objection.

9 THE COURT: Okay. It's admitted.

10 [Defendant's Exhibit A-89 Received]

11 THE CLERK: Your Honor, was that A-89?

12 THE COURT: A-8-9.

13 THE CLERK: Thank you.

14 BY MS. LEE:

15 Q So this revolving line of credit -- and I'm not  
16 asking you to testify as to its contents. But that's your  
17 signature on this revolving line of credit, as a witness for  
18 Phil Kenner; is that right?

19 A I witnessed two signatures. And the person that I  
20 knew was Ken Jowdy. I was just asked to witness two  
21 signatures. So --

22 Q So Mr. Jowdy facilitated your signature on this  
23 document; is that what you're saying?

24 A I'm sorry?

25 Q Mr. Jowdy facilitated your signature on this

1 personal line of credit? Is that --

2 A He requested for me to witness, yes.

3 Q Did you actually sit down and witness it? Did you  
4 sit there and look at Mr. Kenner while he was signing this  
5 document?

6 A I witnessed two signatures, correct.

7 Q But when you say witness, what does that mean to  
8 you?

9 A I watched two signatures.

10 Q So you watched Mr. Kenner sign this document?

11 A Correct.

12 Q And on the first page, that was back in December of  
13 2004, correct?

14 A That is correct.

15 Q So you had met Mr. Kenner at least by December of  
16 2004?

17 A Maybe I didn't explain myself clearly when I was  
18 speaking. There was several occasions that I would have met  
19 through different time zones, but I didn't know him until we  
20 put the Diamante deal together.

21 Q Gotcha. And Mr. Kenner didn't talk to you at all  
22 about this deal, this Palms deal, about wanting to raise money  
23 for the Palms?

24 A No, he did not.

25 Q And it's your testimony -- because I notice how,